

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 73514

Roosevelt Fletcher
180 Winters Lane
Baltimore MD 21228

6 Shipley Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 17, 2010 for a Hearing on a citation for violations under the International Residential Code (IRC) 2006 section 105, 109, 703.11, 703.11.1: job site has been abandoned, no frame inspection has been done, exterior bare wood exposed, Tyvek house wrap not completed, exterior siding not started on residential property known as 6 Shipley Avenue, 21228.

On July 15, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Grant Kidd issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$24,800.00 (twenty four thousand eight hundred dollars).

The following persons appeared for the Hearing and testified: Roosevelt Fletcher, Respondent and, Grant Kidd, Baltimore County Building inspections Inspector.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on February 25, 2010 for expired building permit, abandoned job site, no frame inspection for house addition, bare wood exposed on exterior, outside barrier not finished. This Citation was issued on July 15, 2010.

B. Inspector Grant Kidd testified that his initial inspection in February 2010 found a vacant, boarded house with a partially constructed addition. The building permit had expired. A new building permit was issued on March 4, 2010, and by April 6, 2010 the addition had been wrapped with Tyvek and secured. Respondent sent a letter requesting additional time and promising to complete the construction by July 17, 2010. When no progress was made, this Citation was issued and this Hearing scheduled. Photographs in the file show a single family house with a new rear addition, with plywood sheathing showing and partially wrapped in Tyvek.

C. Respondent Roosevelt Fletcher testified that he has been slowed down by lack of funds and by weather but that he is now making progress. He put a lot of siding on the addition the day before this Hearing, and brought photographs showing siding has been installed halfway up the walls. He testified that he will complete the work in the next couple of months and requested additional time. He further testified that he plans to rent the house to tenants when it is finished.

D. This is an investment property. Respondent is required by law to maintain the exterior of this rental property at least in conformance with county code standards, including keeping all exterior surface materials maintained weatherproof and properly surface-coated to prevent deterioration. BCC Article 35, Title 2, Subtitle 4 (Maintenance of Investment Property); BCC Article 35, Title 5, Subtitle 2 (Rental Property). Respondent has failed to finish this construction project in a timely manner and has left the property vacant and boarded. This kind of inadequate maintenance of investment property is detrimental to communities. See BCC 35-2-402. Respondent must finish the construction project and make other necessary repairs to the house so it can be occupied.

E. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2,000.00 (two thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected, with all exterior surfaces including siding installed or repaired by September 24, 2010, and with interior reconstruction completed by November 1, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 19th day of August 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.